



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

09/489,739 01/21/00 D ZMURA

D

DAVID ANDREW D ZMURA
P.O. BOX 872
NEW YORK NY 10024

TM02/1106

EXAMINER

POINVIL, F

ART UNIT

PAPER NUMBER

2164

DATE MAILED:

11/06/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/489,739

Applicant(s)

D'Zmura

Examiner

Frantzy Poinvil

Group Art Unit

2768



☒ Responsive to communication(s) filed on Jan 21, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-12 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 1-12 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2164

DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I, Claims 1-4, drawn to a process for the manufacture of financial data using endogenous variables of a financial security and for estimating change in the security's price given change in its yield with respect to time, classified in Class 705, subclass 36.

Group II, Claims 5-9, drawn to an article of manufacture, a financial security, a replicated primary security, in which calibrated measures of individual primary financial securities are combined to replicate cash flows, price or sensitivities of a single individual primary financial security, classified in Class 705, subclass 36.

Group III, Claims 10-11, drawn to a method and process for the analysis of default risk in insured commercial depository banks on a consolidated industry basis and on a case by case basis, classified in Class 705, subclass 35.

Group IV, Claim 12, drawn to a modified martingale conditional probability lattice for the valuation of multi-state theta variable and lognormal, financial security with a probability of any occurrence such as default or loss and for the valuation of callable investment securities, classified in Class 705, subclass 35.

Art Unit: 2164

2. The inventions as grouped above are distinct inventions. The four inventions are useable apart from each other and do not require one for the other to operate or to be useable. For example, the limitations of Group I does not require the engineering of a replicant financial security as matching the cash flows of a target security or a target primary security of Group II.
3. Because the inventions are distinct for the reasons given above and the search required for one group is not required for the other Groups, restriction for examination purposes as indicated is proper.
4. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).
- 6.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil, whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday through Thursday from 7:30 AM to 6:00 PM.

Serial Number: 09/489,739

Page 4

Art Unit: 2164

The fax phone number for this Art Unit is (703) 305-0040.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

FP

02Nov00

FP
Frantzy Poinvil
Primary Examiner
Art Unit 2768